

Message

From: Brahmbhatt, Roshni (she/her) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C7E3413BAA444FD8A7E15D2ABA7846F-RBRAHMBH]
Sent: 4/14/2022 12:59:45 AM
To: Erin Ganahl [Erin.Ganahl@doj.ca.gov]
Subject: FW: Discussion with EPA R9 and Kim Konte
Attachments: ATT00001.txt

Hi Erin,

I've received the following email from Kim Konte, and wanted to follow up in case you still wanted to meet to discuss.

Thanks,
Roshni

Roshni Brahmbhatt | Pronouns: she/her
Manager, Air Enforcement Office (ENF 2-1)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Email: Brahmbhatt.Roshni@EPA.gov
Work Phone: 415-972-3995
Cell Phone: 415-697-5673

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From: Kim Konte <kim@nontoxicneighborhoods.org>
Sent: Wednesday, April 13, 2022 5:53 PM
To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan <stop.asphalt.pollutants@gmail.com>; Kevin Lien <[Ex. 6 Personal Privacy (PP)]>; Dennis Lo <[Ex. 6 Personal Privacy (PP)]>; NTN Advisors <advisors@nontoxicneighborhoods.org>; Rios, Gerardo (he/him) <Rios.Gerardo@epa.gov>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

Thank you for your email and update. Can you please share with Gerardo - that All American Asphalt expanded its operations greatly without the permits to do so as seen in this short video
- <https://vimeo.com/646280296>

South Coast Air Quality Management District
21900 COPLEY DRIVE, DEMPSEY BAR, CA 91732-4126

NOTICE OF VIOLATION

P 68583

DATE OF VIOLATION
11/07/18

Facility Name: All American Asphalt, All Amer Aggregates
Address: 10671 Jeffrey Rd.
City: Irvine
State: CA
Zip: 92602
County: Orange
Phone: 91718

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

Activity	Code (SCAQMD or Rule No.)	SCAQMD Permit or License or Local Registration No.	County No. (Assignment)	Description of Violation
<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> Title 17 <input type="checkbox"/> CCR <input type="checkbox"/> CTR	203 (a)			Operating a portable crumb rubber / Asphalt blending system and a portable process heater without a valid Air Quality Permit to Operate.
<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> Title 17 <input type="checkbox"/> CCR <input type="checkbox"/> CTR	203 (a)			Operating an electrostatic precipitator without a valid Permit to Operate.
<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> Title 17 <input type="checkbox"/> CCR <input type="checkbox"/> CTR	203 (b)	64284	3	Operating an asphalt batch plant without venting system S-2 to an air pollution control device.
<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> Title 17 <input type="checkbox"/> CCR <input type="checkbox"/> CTR	1196 (d)(1)	642315 F60378		Failing to conduct source tests on two thermal fluid heaters between 5 and 10 million BTU every 5 years.
<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> Title 17 <input type="checkbox"/> CCR <input type="checkbox"/> CTR	1155 (e)(1)	F7177 628646 628648		Failure to conduct weekly visible emissions checks on baghouses.

Signature: Don Stinson (951) 766-7618
Title: Operations Manager
Signature: Peter Campbell
Title: Compliance Officer
Date: 10/31/18

Method of Service: ☐ In Person ☒ Certified Mail

We are in need of an emergency injunction to get this ancient facility and polluter at a very minimum compliant with AB 2588, Prop 65, and the Clean Air Act. We are being robbed of the ability to take action against AAA as it's still not listed as a Title V Facility.

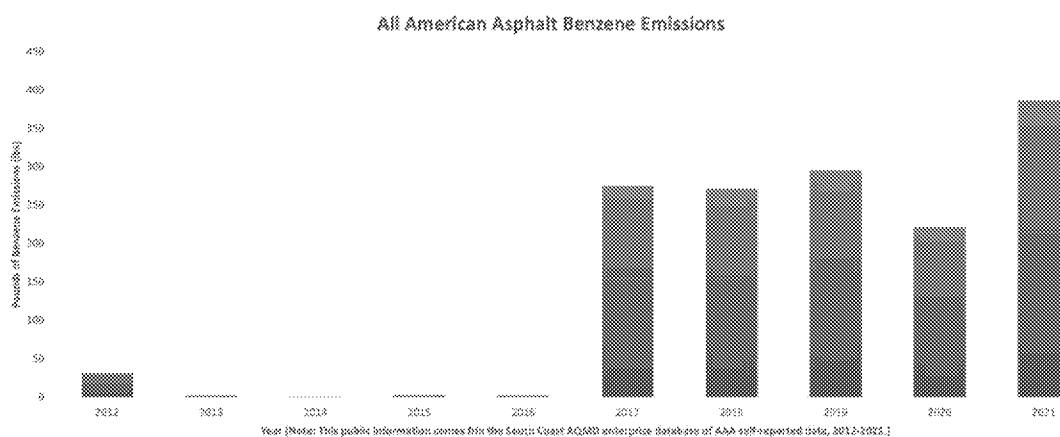
Please understand that our community has been promised support from elected officials to agencies for over three years now, and unfortunately they all follow the same pattern. It always starts out solid and then the power of the Irvine Company and the folks they appoint to **every** agency, waterboard, city council, BOS on up prevents any support from happening. The power they have to get what they want is honestly scary.

Thankfully an SCAQMD-appointed hearing board member stood up for our community and now he is no longer with SCAQMD. He recently reached out to us and provided us with this powerful and depressing call to action for SCAQMD:

"SCAQMD is responsible for identifying and correcting these violations. SCAQMD is aware of the source of the contributors of these chemical compounds that are polluting the environment in North Irvine. If SCAQMD fails to correct this problem for a period of time, more people will become sick and some will die from the exposure. Unfortunately, SCAQMD's lack of action will be contributing to this illness and death. The hearing board members must revisit this issue and order SCAQMD to cite All American Asphalt for non-compliance. It is SCAQMD's responsibility to avoid a health crisis and prevent any further deaths." - California State Senator, Ret. Nate Holden

CARB also helped our community more in 1 meeting than SCAQMD has in over two years. Mena Shah hosted a zoom with some of the team that wrote AB 2588 and they were honestly shocked to see the HAPs emission levels with the proximity of the receptor locations. CARB was who shared that it was clear SCAQMD failed to reprioritize AAA based on the encroaching receptors and their massive increase in emissions. From 2016 to 2017 there was a 10,911% increase in benzene! Mena connected us with Courtney Graham who was also lovely to work with but unfortunately, she had to go on medical leave. It was at this point that her co-worker thomas.andrews@arb.ca.gov stepped in and this is the point we think the Irvine Company got to him. Please reach out to Courtney(courtney.graham@arb.ca.gov) who understands **ALL** about this AAA issue from a permitting standpoint and was again so helpful until she had to go on leave. She knows about things that we do not want to include in an email.

We hope you or your team can find out what drastically changed in 2017. Was it the crumb rubber, change in aggregate(RAP), and or throughput increase? 2017 is also when residents started submitting complaints when residents finally found out about the plant that was not disclosed to home buyers and on ANY city of Irvine map until we brought that to light in 2018.



Isn't the City of Irvine liable for protecting a business whose not compliant with the local, county, and state environmental regulations and policies? We know the City of Irvine's city attorney is controlled by the Irvine Company. He is also on the fatally flawed AAA EIR. Isn't it a conflict of interest for him to advise on AAA-related issues?

Working on pesticide policy and leg is a cakewalk compared to this ongoing public health crisis impacting children.

In Gratitude!



Kim Konte

NON TOXIC NEIGHBORHOODS | OUR WORK

IG: [@nontoxicneighborhoods](https://www.instagram.com/nontoxicneighborhoods) | FB: [nontoxicneighborhoods](https://www.facebook.com/nontoxicneighborhoods) | M: 843-816-3085

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On Wed, Apr 13, 2022 at 4:22 PM Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov> wrote:

Hi Kim,

Thanks for your email and the email from earlier this week. My team is looking into this facility, and we have been following up with SCAQMD as well.

I have also reached out to my counterpart Gerardo Rios, who is the Air Permitting Manager in EPA Region 9, in case he has any insights on your permitting concerns.

Sincerely,

Roshni

Roshni Brahmbhatt | Pronouns: she/her

Manager, Air Enforcement Office (ENF 2-1)

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Email: Brahmbhatt.Roshni@EPA.gov

Work Phone: 415-972-3995

Cell Phone: 415-697-5673

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From: Kim Konte <kim@nontoxicneighborhoods.org>

Sent: Wednesday, April 13, 2022 4:16 PM

To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>

Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan

<stop.asphalt.pollutants@gmail.com>; Kevin Lien <Ex. 6 Personal Privacy (PP)>; Dennis Lo <Ex. 6 Personal Privacy (PP)>; NTN

Advisors <advisors@nontoxicneighborhoods.org>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>

Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

We wanted to loop back with you on this ongoing public health crisis. We need your help and hope that you and your team can take the action needed to protect our kids from this massive and non-compliant polluter in your region.

We have been asking for help from SCAQMD, CARB, and now your team at the EPA and we are still without any safeguards. Who is responsible for allowing AAA to operate with impunity and without consequence other than to our community? Please notice the dramatic increase of HAPs when receptors are only 2,000 ft from the plant:



In 2020 AAA was already the largest emitter of benzene in the city by 40 times the amount of the second-largest emitter - B. Bruan Medical.

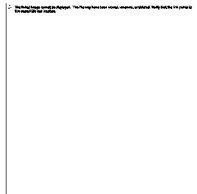
SCAQMD Monitored "Large" Facilities in Irvine – 2020 Facility Emissions

Facility	VOCs (tons)	Benzene (lbs)	Chromium, Hexavalent (lbs)	Formaldehyde (lbs)
All American Asphalt	7.9	221.6	0.27	1,781.0
Bowerman Power	9.0	0	0	1.3
Maruchan	6.4	2.5	0	5.2
Allergan	2.1	2.4	0	17.0
Braun Medical	30.2	10.0	0	440.0
UC Irvine	1.0	0	0	1.3

Source: SCAQMD Facility Information Detail (F.I.N.D.) Tool

This plant is dictating the air our children breathe at their open-air designed schools, sports practice and games, and at home, so respectfully if you can't help please just let us know so we can focus our time elsewhere as we don't have time to waste.

In Gratitude,



Kim Konte

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On Mon, Apr 11, 2022 at 10:17 AM Kim Konte <kim@nontoxicneighborhoods.org> wrote:

Hi Roshni,

I hope you had a nice weekend. We are trying to understand how All American Asphalt(AAA) is still operating without consequence. How are they allowed to continue to profit at our expense when AAA is years late in being compliant with AB 2588 and or the Clean Air Act? EPA's Region 8 has been able to take health-protective action against a polluter impacting a community in CO. We want to try and understand why you can't do the same? Is it because AAA is still not listed as a Title V Facility? We are hopeful you can take action as the emissions have dramatically increased and again AAA is only 2,000 feet from receptors.

Environmental Justice and Win Against A Major Corporate Polluter

The EPA issued a letter objecting to Colorado state's permit renewal request for the Suncor Refinery. The plant "raises significant environmental justice concerns, as illustrated by the severity of pollution and described health impacts facing the communities living in proximity to the Suncor site."

Residents should not have been responsible for appealing the permit South Coast AQMD awarded AAA in Irvine for the crumb rubber blending system - #2147-10 3d Party Appeal – All American Asphalt. The permit approval was defective as a result of numerous flaws in SC AQMD's permit evaluation, including in the sufficiency of the AAA source testing. These breaches include:

- Failure to source test and evaluate AAA operations at full capacity of production, given the Carbon Adsorber remediation system designed for a much lower capacity,
- Failure to test and measure numerous other sources of fugitive emissions, such as outside storage and conveyance systems
- Failure to evaluate the undersized carbon adsorption system for emissions during start-up and shut-down processes and for protections from malfunction emissions;
- Failure to fully evaluate all constituents of toxic emissions (H.C., VOCs, sulfurous compounds, PM2.5, metals).
- Failure to properly consider the impact of so-called short-term but continuous emissions on sensitive populations like children based on the locations of the receptors. Receptors(homes) that are only 2,000 feet from AAA.
- Failure to be compliant with rule 3001 of the Clean Air Act and follow the Clean Air Act's permitting process.

Title V Permitting

Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program. The status of all permit applications can be accessed through the South Coast AQMD FIND using Facility ID 88207. If the facility is brought into the Title V program, the permit will be made available on the website and will be required to be renewed every five years using the same public noticing process. **How can AAA continue to be in violation of rule 3001 of the Clean Air Act?**

Can your team find out why SCAQMD has failed to hit AAA with penalties for their gross negligence and failures to be compliant with both the "Hot Spots" Act as well as the Clean Air Act? ***"Depending on the violation, civil penalties range from \$500 to \$25,000 for each day the infraction remains uncorrected. SB 1731 also penalizes for noncompliance. It specifies that the facility operator is subject to civil penalties for failure to submit a complete audit and plan or failure to implement the measures set forth in the plan."***

All American Asphalt has been caught underreporting their heavy metal emissions and also expanded their operations without the permits to do so as seen in this short video

- <https://vimeo.com/646280296>

South Coast Air Quality Management District
21505 COPLEY DRIVE, TOLAND, CA 95765-4178

NOTICE OF VIOLATION

P 68583

DATE OF VIOLATION
11 07 18

Facility Name: All American Asphalt, All Amer Aggregates
Address: 10671 De Puy Rd, PO Box 2229
City: Irvine, Corona
County: Orange
Zip: 92602, 92718

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DESCRIPTION OF VIOLATIONS				
#	Category	SCAQMD Permit or Order or Other Regulatory No.	Location (in a separate column)	Description of Violation
1	<input checked="" type="checkbox"/> SCQMD <input type="checkbox"/> CHSAC <input type="checkbox"/> CDF <input type="checkbox"/> CDE	203 (a)		Operating a portable comp rubber / Asphalt blending system and a portable process heater without a valid stationary Permit to Operate.
2	<input checked="" type="checkbox"/> SCQMD <input type="checkbox"/> CHSAC <input type="checkbox"/> CDF <input type="checkbox"/> CDE	203 (c)		Operating an electrostatic precipitator without a valid Permit to Operate.
3	<input checked="" type="checkbox"/> SCQMD <input type="checkbox"/> CHSAC <input type="checkbox"/> CDF <input type="checkbox"/> CDE	203 (b)	65284	Operating an asphalt batch plant without venting screen 5-2 to an air pollution control device.
4	<input checked="" type="checkbox"/> SCQMD <input type="checkbox"/> CHSAC <input type="checkbox"/> CDF <input type="checkbox"/> CDE	1196 (d)(6)	640305 560378	Failing to conduct source tests on two thermal fluid heaters between 5 and 10 million Btu every 5 years.
5	<input checked="" type="checkbox"/> SCQMD <input type="checkbox"/> CHSAC <input type="checkbox"/> CDF <input type="checkbox"/> CDE	1155 (e)(1)	F71177 628646 628648	Failure to conduct weekly visible emissions checks on baghouses.

Signature: Dan Stinson (951) 756-7618
Signature: Peter Campbell 10/31/19
Title: Operations Manager
Title: District Supervisor
Signature: prcampbell@scqmd.gov
Signature: prcampbell@scqmd.gov

How to receive information:
SCQMD - South Coast Air Quality Management District
CHSAC - California Health and Safety Code
CDE - Clean Air Act Federal Regulations

Method of Service:
☐ In Person
☒ Certified Mail

Our kids need protection from the largest non-compliant polluter in Irvine and we look forward to hearing from you.

In Gratitude,



Kim Konte

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On Wed, Mar 9, 2022 at 9:23 AM Gill, Sonam <Gill.Sonam@epa.gov> wrote:

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sip:teams@video.epa.gov

Video Conference ID: [Ex. 6 Personal Privacy \(PP\)](#)

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